

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN FLOYD, JOLENE FURDEK, and
JONATHAN RYAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC. and APPLE INC.,

Defendants.

Case No. 2:22-cv-01599-KKE

STIPULATED MOTION AND ORDER
EXTENDING TIME

STIPULATED MOTION

Plaintiffs Steven Floyd, Jolene Furdek, and Jonathan Ryan and Defendants Amazon.com, Inc. and Apple Inc. (together, “Defendants,” and collectively with Plaintiffs, the “Parties”), by and through their counsel, stipulate as follows:

1. Under the current schedule, fact discovery is set to close on February 26, 2025, with class certification briefing to follow. No case deadlines beyond class certification have been set.

2. The Parties request a limited extension of the schedule to afford additional time to complete fact discovery.

3. Good cause exists for a modest extension because the remaining fact and Rule 30(b)(6) depositions could only be scheduled after the current fact discovery deadline in order to

adjust for and accommodate witness availability. The extension will also allow the parties time to complete third party discovery. The extension of fact discovery will require adjustment of the dates for class certification briefing, but no other dates have yet been set in this case.

4. The Parties propose the following schedule:

Event	Current Date	Proposed Date
Fact discovery cutoff	2/26/2025	4/14/2025
Class certification motion and supporting reports	3/28/2025	5/14/2025
Class certification opposition and supporting reports	5/30/2025	8/14/2025
Class certification reply and reply reports	8/15/2025	11/14/2025

This schedule includes an adjustment of the cadence for class certification briefs because Defendants believe it will allow them sufficient time to depose any experts Plaintiffs may put forth in connection with their motion for class certification.

5. In order to streamline the remainder of fact discovery, Parties additionally stipulate and agree to the following limitations:

a. For the Defendants' deposition of Plaintiffs, and Plaintiffs' depositions of Defendants, including both fact depositions pursuant to Fed. R. Civ. P. 30(b)(1) and corporate depositions pursuant to 30(b)(6), there will be a 7-hour maximum time limit for each witness's deposition, regardless of whether the witness is sitting in their individual capacity, corporate capacity, or both at the same time.

b. The parties have stipulated that Plaintiffs may take twelve fact witness depositions, which are the currently scheduled up-to five fact witnesses per side and one Rule 30(b)(6) deposition per defendant.¹ The Defendants may designate an already scheduled fact witness deposition on some or all of the categories of the Rule 30(b)(6) notice. The Parties will

¹ Defendants reserve the right to challenge the appropriateness of the depositions currently noticed that have not yet occurred.

not serve additional notices of Rule 30(b)(1) or Rule 30(b)(6) depositions. This limitation applies only to party fact depositions and does not apply to expert depositions or third-party depositions. The Parties may only serve additional party fact depositions notices upon mutual agreement of the Parties or following a motion showing good cause.

c. Each party has served the other Party (or Parties) with the written discovery (e.g., requests for production, interrogatories, requests for admissions) that they intend to serve at this time. However, there may be a need for limited written discovery to follow up on issues raised during the Parties' 30(b)(6) deposition negotiations (such as serving requests for written discovery that previously were topics for 30(b)(6) depositions), for new issues that might arise during depositions, or for narrow "clean-up" discovery. Discovery should be served as soon as possible after a Party identifies a need in order to facilitate timely meeting and conferring on objections, the scope of responses, or the documents to be produced.

d. The Parties shall complete any third-party discovery by the updated deadline to complete fact discovery.

STIPULATED to and JOINTLY submitted this 7th day of February, 2025.

Attorneys for Plaintiffs and the Proposed Class

By: /s/ Steve W. Berman

Steve W. Berman, WSBA #12536
Barbara A. Mahoney, WSBA #31845
HAGENS BERMAN SOBOL SHAPIRO
LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Ph: (206) 623-7292; Fax: (206) 623-0594
Email: steve@hbsslaw.com
Email: barbaram@hbsslaw.com

Ben Harrington (Pro Hac Vice)
Benjamin Siegel (Pro Hac Vice)
HAGENS BERMAN SOBOL SHAPIRO
LLP

715 Hearst Ave, Suite 300
Berkeley, CA 94710
Ph: (510) 725-3000; Fax: (510) 725-3001
Email: benh@hbsslaw.com
Email: bens@hbsslaw.com

Attorneys for AMAZON.COM, INC.

Attorneys for APPLE INC.

By: /s/ John Goldmark

John Goldmark, WSBA #40980
MaryAnn Almeida, WSBA #49086
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington, 98104
Phone: (206) 622-3150
Fax: (206) 757-7700
Email: johngoldmark@dwt.com
maryannalmeida@dwt.com

By: /s/ Mark S. Parris

Mark S. Parris (WSBA No. 18370)
mparris@orrick.com
ORRICK, HERRINGTON &
SUTCLIFFE LLP
401 Union Street, Suite 3300
Seattle, WA 98101
Telephone: +1 206 839 4300
Facsimile: +1 206 839 4301

By: /s/ Benjamin M. Mundel

Mark D. Hopson (pro hac vice)
Benjamin M. Mundel (pro hac vice)
Jacquelyn E. Fradette (pro hac vice)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000
Fax: (202) 736-8711
Email: mhopson@sidley.com
bmundel@sidley.com
jfradette@sidley.com

Mark A. Perry (*pro hac vice*)
WEIL GOTSHAL & MANGES, LLP
2001 M. Street NW, Suite 600
Washington, DC 20036
Phone: (202) 682-7000
mark.perry@weil.com

Brian G. Liegel (*pro hac vice*)
WEIL GOTSHAL & MANGES, LLP
1395 Brickell Avenue, Suite 1200
Miami, FL 33131
Phone: (305) 577-3180
brian.liegel@weil.com

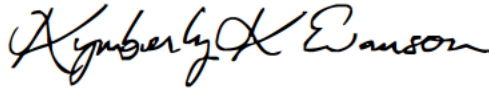
Morgan D. MacBride (*pro hac vice*)
WEIL GOTSHAL & MANGES, LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Phone: (650) 802-3044
morgan.macbride@weil.com

ORDER

The parties' stipulated motion is GRANTED. Dkt. No. 189. The previous case schedule is VACATED (Dkt. No. 167), and the case shall now conform to the following schedule:

Event	Deadline
Fact discovery cutoff	4/14/2025
Class certification motion and supporting reports	5/14/2025
Class certification opposition and supporting reports	8/14/2025
Class certification reply and reply reports	11/14/2025

Dated this 11th day of February, 2025.



Kymberly K. Evanson
United States District Judge